

**State of Emergency Suspension of DSS Licensing  
Adult Day Care Centers (ADCC) Regulation Requirements**

The terms 'waive' and 'allow leniency' in this document are used interchangeably. Licensing inspectors will not cite for noncompliance for the requirements described in this document if the provider is unable to comply due to the state of emergency. The provider must still comply with all requirements once the emergency has passed.

**1. Documentation and training requirements**

- **22VAC40-61-130. Director.**

Relax requirement for director, or designee, to be present 51% of center's weekly hours of operation. Decrease to 25%. Extend annual training requirements until 90 days after emergency is over.

- **22VAC40-61-150. Staff training.**

Extend annual training requirements for staff whose annual date for training expires during the emergency, extend a 90-day grace period to obtain training once the emergency is over. Allow 90 days to obtain topic specific training if needed.

- **22VAC40-61-160. First aid and CPR certification.**

For providers whose CPR, Medication or First Aid certifications expire during the state of emergency, extend these certifications for 90 days. For direct care staff who are hired during or just prior to the emergency being declared, extend the period to obtain certification for 90 days. If a facility is operating at 50% capacity or less, only one staff needs to be certified in CPR.

- **22VAC40-61-180. Staff records and health requirements.**

Waive requirement for subsequent TB screening until 90 days after emergency.

- **22VAC40-61-300. Medication Management.**

Extend annual refresher training requirements for all staff who administer medications, except those licensed by the Commonwealth, until 90 days after emergency is over.

**2. Staff qualification requirements**

- **22VAC40-61-330. Activities.**

Suspend activities staff person qualification for 90 days after June 28, or after the emergency is declared over, whichever date is later.

**3. Assessment and service requirements**

- **22VAC40-61-220. Assessment procedures.**

Suspend requirement for participant assessments to be reviewed/updated every six months until 60 days after the emergency is over.

- **22VAC4061-230. Participant Plan of Care**  
Waive requirement for the plan of care to be reviewed and updated at least every six months and required signatures until 90 days after emergency.
- **22VAC40-61-240. Participant agreement with the center.**  
Suspend provision of a monthly statement or itemized receipt of the participant's account until after emergency, unless the statement reflects a balance.
- **22VAC40-61-330. Activities.**  
Suspend activities staff person being routinely present for 90 days after June 28, or after the emergency is declared over, whichever date is later. Waive requirement for schedule of activities.

#### **4. Licensing Operations, Conducting Inspections**

##### **General Procedures and Information for Licensure**

- **22VAC 40-80-100. Duration of licensure**  
Consider allowing the terms of the license to be extended, modification of license must be done.
- **22VAC 40-80-120. Terms of the license.**  
Allow leniency on the terms of the license including expiration dates (allowing additional time for renewals), maximum number of residents to be in care and license modification requirements.
- **22VAC 40-80-190. Modification.**  
Allow leniency for license modifications.
- **22VAC 40-80-210. Renewal process.**  
Allow additional time for submitting renewal applications.
- **22VAC40-80-260 and 22VAC40-80-270. Problem Solving Conferences**  
Allow **only** desk reviews with the assigned licensing representative's immediate supervisor. Extend the time for the supervisor to desk review findings to 30 days of receipt of request and materials. Extend license renewals by 90 days during the state of emergency.